

Executive Summary

This Report of Waste Discharge (ROWD) constitutes the application for renewal of the San Bernardino County area-wide Municipal Separate Storm Sewer System permit (NPDES No. CAS618036; Order No. R8-2002-0012) ("MS4 Permit"). Collectively, this MS4 Permit authorizes the discharge of stormwater by the following permittees: San Bernardino County Flood Control District ("District"), San Bernardino County ("County") and the cities of Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa.

For the fourth-term MS4 Permit, the permittees recommend that the Stormwater Management Program shift from a program dominated by process-based outcomes, mostly measured through programmatic/administrative tasks, to a program that is more compliance-based, where outcomes are measured primarily by compliance with water quality objectives and Total Maximum Daily Load (TMDL) implementation requirements. This program shift is appropriate given the successful completion of previous MS4 Permit requirements and necessary given the issuance of the Middle Santa Ana River (MSAR) Bacterial Indicator TMDL and the soon to be completed Big Bear Lake Nutrient TMDL.

An important concept woven throughout this ROWD and the attached revised Municipal Stormwater Management Plan (MSWMP) is that experience gained from three previous permits over a period of 15 years should be put to use to reprioritize program activities so that they are targeted more directly to on-the-ground implementation. This revised program is best described as "Risk-based, Outcome-oriented, and Compliance-focused." The permittees strongly believe that moving to a Risk-based, Outcome-oriented, Compliance-focused program is the best way to ensure that scarce public resources are used to provide the greatest possible benefit to public health and the environment.

To achieve this goal, the ROWD and MSWMP incorporate a number of recommended structural and programmatic changes to the area-wide Stormwater Management Program. Table ES-1 summarizes these proposals and indicates where the proposed changes are addressed in the ROWD and MSWMP.

The permittee's proposals were developed over a period of eight months during regular monthly meetings, the purpose of which was to identify areas for program reprioritization and improvement given the need to comply with area TMDL requirements. The permittees also conferred extensively with Regional Board staff during the ROWD development process. The result of this effort is a ROWD with five key sections:

- *Introduction* – Describes the basic concepts that provide the foundation for the ROWD and the process followed for ROWD development;

- *Stormwater Program Characterization* – Describes how the area-wide MS4 Permit is managed in the County and describes accomplishments achieved under the existing MS4 Permit;
- *Discharge Characterization* – Identifies pollutants of concern based on MS4 and regional monitoring data;
- *Permit Recommendations* – Documents recommendations that the permittees collectively developed; and
- *Permit Implementation Activities* – Recommends stormwater program elements for implementation during the next permit term.

Appendices to the ROWD provide supporting information, including the revised MSWMP and an updated MS4 facility map.

Table ES-1. Summary of Key Proposed Structural and Programmatic Changes for the San Bernardino County Area-wide MS4 Permit

No.	Proposal	Purpose/Benefit	Where/How it is addressed
1	Separate the MSWMP from the ROWD	Distinguishes permit obligations (ROWD) from specific implementation activities (MSWMP). Simplifies the permit. Increases program flexibility. Focuses compliance on outcome rather than process.	<ul style="list-style-type: none"> ■ Appendix A, ROWD - MSWMP has been revised to reflect the content of the ROWD ■ Section 9.3, MSWMP - MSWMP will continue to be updated annually as part of the annual report, or as needed to support TMDL implementation
2	TMDL implementation	Establishes TMDL implementation as a high priority during the next permit term. Shifts focus to compliance, which provides basis for re-allocation of finite program resources to meet TMDL requirements.	<ul style="list-style-type: none"> ■ Section 5.2, ROWD - Identifies TMDL implementation as a key activity during the next permit term ■ Section 9.2.5, MSWMP - Requires that the Stormwater Management Program be revised, as needed, to address TMDL study findings ■ Section 9.3, MSWMP - Performance Commitments Nos. 9-1 and 9-2 ■ Section 10.2.2, MSWMP - Recognizes commitment to monitoring to support TMDL implementation ■ Section 10.3, MSWMP - Performance Commitments 10-1 and 10-2
3	Establish risk-based inspection program	Re-allocates finite program resources in proportion to expected benefit to public health and the environment.	<ul style="list-style-type: none"> ■ Section 1.1, ROWD - Introduces risk-based concept ■ Section 5.2.2, ROWD - Introduces risk-based inspection program that will be developed early during the next permit term ■ Section 4.2.4, MSWMP - Describes risk-based prioritization ■ Section 4.3, MSWMP - Performance Commitment No. 4-1
4	Revised definitions of terms in the MS4 Permit glossary, MEP, BMP, BAT, controllable water quality factors, significant environmental impact	Essential to define expected level of effort in the absence of specific numeric permit limits. Reduces the inherent subjectivity of program compliance audits.	<ul style="list-style-type: none"> ■ Section 4.3 and Appendix C, ROWD - Recommended revised and new definitions. The permittees request that these definitions be incorporated into the glossary of the next MS4 Permit.
5	Develop formal measures of program effectiveness	Identified as a significant deficiency in the most recent round of program audits. Reinforces shift to outcome-oriented implementation strategies.	<ul style="list-style-type: none"> ■ Section 5.2.4, ROWD - Programmatic activity recommended for implementation during next permit; purpose is to establish more direct measures of program effectiveness that are tied to water quality improvements ■ Section 9.2.1, MSWMP - Recommendation to reduce or eliminate reports or reporting elements that do not serve the essential purpose of demonstrating improvements to water quality ■ Section 9.3, MSWMP - Performance Commitment No. 9-4

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6	Establish link to Stormwater Quality Standards Task Force (SQSTF) findings and recommendations	Allows Co-Permittees to initiate new implementation strategies without reopening the MS4 Permit. Focuses program resources on high-risk waters.	<ul style="list-style-type: none"> ■ Section 4.2, ROWD – Finding recommended for inclusion in the Findings Section of the next MS4 Permit ■ Section 5.2.3, ROWD – Recommends development of area-wide guidelines for implementing SQSTF findings ■ Section 10.2.3, MSWMP – Principal Permittee will continue to participate in basin planning activities ■ Section 10.3, MSWMP – Performance Commitments Nos. 10-1 and 10-2
7	Clarify oversight authority for schools, federal facilities/lands and other state agencies	Clarifies division of labor between co-permittees and state authorities. Improves program implementation efficiency by avoiding disputes over jurisdictional authority.	<ul style="list-style-type: none"> ■ Appendix C, ROWD, Permit Language Recommendations – Permittees recommend that a revised Finding No. 12 in the existing MS4 Permit be included as a finding in the next MS4 Permit.
8	Develop Local Implementation Plans (LIP)	Fulfills a need identified by recent audits of permittee stormwater programs.	<ul style="list-style-type: none"> ■ Sections 4.8.1, 5.3.4, ROWD – Recommends Management Committee develop a LIP model for use by permittees ■ Section 2.6, MSWMP – Performance Commitment No. 2-6
9	Establish performance bond system to increase compliance incentives and reduce enforcement costs	Develop additional compliance tool to support stormwater program implementation; also recommended by recent audits of permittee stormwater programs.	<ul style="list-style-type: none"> ■ Section 5.3.3, ROWD – Recommends that the Management Committee develop performance bond program that can serve as a model for the region; implementation of the program would be at the discretion of each permittee ■ Section 5.3, MSWMP – Performance Commitment No. 5-12
10	Develop database of post-construction BMPs	Provides means for tracking long-term responsibility and accountability for operating and maintaining BMPs.	<ul style="list-style-type: none"> ■ Section 5.3.6, ROWD – Recommends that the Management Committee develop the database ■ Section 9.3, MSWMP – Performance Commitment No. 9-6
11	Apply risk-based decision criteria to other major program elements: monitoring, BMPs, public education	Following completion of the development of a risk-based inspection program (see No. 3), risk-based decision criteria can be applied to other program areas so that these programs are also outcome-oriented and compliance-focused.	<ul style="list-style-type: none"> ■ Section 5.2.2, ROWD – Describes use of a risk-based approach for establishing priorities in various program areas. Initially, a risk-based approach will be applied to inspections; later this approach can be applied to other program elements ■ Section 8.3, MSWMP – Performance Commitments, Public Information and Participation will be evaluate annually so that program is directed towards highest priorities ■ Section 9.3, MSWMP – Performance Commitment No. 9-1, MSWMP and WQMP requirements will be reviewed and revised as needed to support TMDL requirements

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12	Enhance inter-agency transfer of Best Program Practices	Provide mechanism for sharing positive program elements among Co-Permittees.	<ul style="list-style-type: none"> ■ Section 5.3.5, ROWD - Recommends development of a mechanism or methodology to facilitate technical transfer of Best Program Practices ■ Section 9.3, MSWMP - Performance Commitment No.9-5
13	Evaluate opportunities to work cooperatively with other agencies or MS4 Permit programs to create a more cost-effective program	Identify opportunities for cooperative stormwater program implementation to create a more cost-effective program, especially with regards to inspections, public information and participation and training.	<ul style="list-style-type: none"> ■ Section 5.3.1, ROWD - Recommends that the Management Committee establish a subcommittee to explore issue ■ Section 2.6, MSWMP - Performance Commitment No. 2-12
14	Develop scheduling system to reduce redundant inspection overlap with Regional Board staff	Avoid duplication of effort among agencies so that program resources are used cost-effectively.	<ul style="list-style-type: none"> ■ Section 5.2.6, ROWD - Recommends that the Management Committee work with the RWQCB to develop system that can be easily maintained and shared ■ Section 2.6, MSWMP - Performance Commitment No. 2-13.
15	Evaluate regional treatment alternatives	Evaluate opportunities for a regional approach to implementing watershed-based stormwater pollutant controls.	<ul style="list-style-type: none"> ■ Section 5.3.2, ROWD - Recommends that the Management Committee establish a subcommittee to explore issue ■ Section 2.6, MSWMP - Performance Commitment No. 2-14
16	Formalize process to identify and apply for state and federal grant funds	Increase opportunities to apply for grant funding to support increased program costs, for example, to meet TMDL implementation requirements.	<ul style="list-style-type: none"> ■ Section 5.2.7, ROWD - Recommends that the Management Committee establish a subcommittee to monitor grant opportunities and share information with permittees ■ Section 2.6, MSWMP - Performance Commitment No. 2-14
17	Revise Implementation Agreement	Clarify roles and responsibilities of Management Committee; establish more equitable cost-sharing arrangement.	<ul style="list-style-type: none"> ■ Sections 2.3.1.1, 2.3.3, ROWD - Sections describe proposed changes; draft Agreement is provided in Appendix B. Final Agreement will be established by the time a new MS4 Permit is issued. ■ Section 2.1, MSWMP - Describes the content of the Implementation Agreement ■ Section 2.6, MSWMP - Performance Commitment No. 2-4 requires that the Implementation Agreement be reviewed and revised as needed during permit term